

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SAINT-GOBAIN GLASS FRANCE,)

Plaintiff,)

v.)

Civ. A. No. 1:06-cv-00446-JJF

AUTOMOTIVE COMPONENTS)
HOLDINGS, LLC,)

Defendant.)

**ANSWER TO COMPLAINT, AFFIRMATIVE DEFENSES,
COUNTERCLAIMS, AND DEMAND FOR JURY TRIAL**

Defendant, Automotive Components Holdings, LLC (“ACH”), respectfully answers the Complaint for patent infringement (“the Complaint”) filed by plaintiff, Saint-Gobain Glass France (“Saint-Gobain”), as follows:

PARTIES

1. ACH is without knowledge or information sufficient to form a belief as to truth or falsity of the allegations of paragraph 1 of the Complaint, and accordingly denies same.

2. ACH admits that it has its corporate headquarters in Dearborn, Michigan but denies that it is a Delaware corporation. ACH is a Delaware limited liability company.

JURISDICTION AND VENUE

3. ACH admits that the Complaint purports to state a cause of action for patent infringement under Title 35, United States Code, but denies that any infringement has occurred.

4. ACH does not challenge venue in this case, but denies that any infringement has occurred.

5. ACH admits that U.S. Patent No. 5,368,917 (“the ‘917 patent”) bears an issuance date of November 29, 1994, shows on its face that it was assigned to Saint-Gobain Glass France, and is entitled “Acoustic Protective Glazing For A Vehicle”. ACH lacks information sufficient to form a belief as to truth or falsity of the remaining allegations of paragraph 5 of the Complaint, and accordingly denies same.

6. ACH admits that U.S. Patent No. 6,821,629 (“the ‘629 patent”) bears an issuance date of November 23, 2004, shows on its face that it was assigned to Saint-Gobain Glass France, and is entitled “Soundproofing Laminated Window For Vehicles.” ACH lacks information sufficient to form a belief as to the truth or falsity of the remaining allegation of paragraph 6 of the Complaint, and accordingly denies same.

ALLEGATIONS OF INFRINGEMENT

7. Denied.

8. Denied.

9. Denied.

10. Denied.

11. Denied.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

ACH does not infringe the '917 patent.

THIRD AFFIRMATIVE DEFENSE

ACH does not infringe the '629 patent.

FOURTH AFFIRMATIVE DEFENSE

After a reasonable opportunity for further investigation or discovery, there is likely to be evidence that the '917 and/or the '629 patents are invalid and/or unenforceable.

FIFTH AFFIRMATIVE DEFENSE

Defendant reserves the right to amend these defenses or raise affirmative defenses in accordance with additional information developed through discovery or otherwise.

COUNTERCLAIMS

Defendant/Counterclaim-plaintiff, Automotive Components Holdings, LLC ("ACH") hereby assert the following counterclaims against plaintiff/Counterclaim-defendants, Saint-Gobain Glass France ("Saint-Gobain").

THE PARTIES

1. Automotive Components Holdings, LLC (“ACH”) is a Delaware limited liability company with its principal place of business in Dearborn, Michigan.

2. On information and belief, Saint-Gobain Glass France (“Saint-Gobain”) is a French corporation with its principal place of business at Les Miroirs, 18 Avenue d’Alsace, F-92400, Courbevoie, France.

3. This is an action for declaratory judgment of non-infringement and/or invalidity of U.S. Patent Nos. 5,368,917 (“the ‘917 patent”) and 6,821,629 (“the ‘629 patent”).

4. There is an actual and justiciable controversy between ACH and Saint-Gobain with respect to infringement and validity of the ‘917 patent and the ‘629 patent.

5. This counterclaim is brought under the patent laws of the United States, 35 U.S.C. § 101, *et. seq.*, and the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201, *et. seq.*

6. This Court has subject matter jurisdiction over this counterclaim, which arises under the patent laws of the United States, pursuant to 28 U.S.C. §§ 1331 and 1338(a). Venue is proper in this Court under 28 U.S.C. §§ 1391(b) and 1400(b).

COUNT I

Declaration Of Non-Infringement Of The ‘917 Patent

7. ACH does not infringe, induce infringement of, or contributorily infringe any claim of the ‘917 patent.

COUNT II

Declaration Of Non-Infringement Of The '629 Patent

8. ACH does not infringe, induce infringement of, or contributorily infringe any claim of the '629 patent.

COUNT III

**Declaration Of Invalidity Of the
'917 Patent and/or the '629 Patent**

9. After a reasonable opportunity for further investigation or discovery, there is likely to be evidence one or more claims of the '917 patent and/or the '629 patent are invalid for failure to comply with the conditions and requirements set forth in the patent statute, including 35 U.S.C. §§ 102, 103, and/or 112.

10. The continued assertion of the '917 and '629 patents against ACH, despite the absence of liability, makes this an exceptional case under 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, ACH respectfully requests that this Court enter judgment:

- A. Dismissing the Complaint against ACH in its entirety, with prejudice;
- B. Declaring that no claim of the '917 patent is infringed by ACH;
- C. Declaring that no claim of the '629 patent is infringed by ACH;
- D. Declaring that each claim of the '917 patent and/or the '629 patent is invalid;
- E. Declaring that this is an exceptional case under 35 U.S.C. § 285;

F. Awarding ACH its reasonable attorneys' fees and costs to the fullest extent permitted under the law; and

G. Granting ACH such other further relief to which it may be entitled.

DEMAND FOR JURY TRIAL

ACH hereby demands a jury trial as to all claims and counterclaims in this action.

CONNOLLY BOVE LODGE & HUTZ LLP

/s/ Collins J. Seitz, Jr.

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Dated: September 15, 2006

CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2006, I electronically filed the Answer to Complaint, Affirmative Defenses, Counterclaims, and Demand for Jury Trial with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

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